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STATE DOCUMENTS

Jun 1977

Eleventh Annual Report

OF THE

State Board of Pardons

OF THE

STATE OF MONTANA

TO HIS EXCELLENCY:
ROBERT B. SMITH:
GOVERNOR OF MONTANA

DECEMBER 1, 1900

1901
STATE PUBLISHING CO.
STATE STATIONERS, PRINTERS AND BINDERS
HELENA, MONT.





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Eleventh Annual Report

Office of the State Board of Pardons.

Helena, Montana, December 1, 1900.

To His Excellency, Robert B. Smith, Governor of Montana.

In compliance with the requirements of the law of the State, the State Board of Pardons of the State of Montana, herewith submit this, their Eleventh Annual Report, for the fiscal year ending December 1, 1900.

All convicts who have been granted Executive Clemency during the fiscal year last past, as well as those whose sentences have been diminished upon the recommendation of the Board of State Prison Commissioners and the Prison Contractors, (such recommendations having been made in all cases on account of good conduct and work performed upon State Property), all persons restored to citizenship by your Excellency, and all commutations and fines remitted from December 1, 1899 up to and including December 1, 1900, are named in tables I, II, and III inclusive. Table No. IV is a recapitulation showing the number of pardons and diminutions granted during the last two years.

TABLE NO. I.

Shows:

1. Name of Convict Pardoned.
2. Name of County.
3. Absolute or Conditional Pardon.
4. When Pardoned.
5. Date Acted Upon By the Board.
6. Date of Approval of the Governor's Action.

7. Date of Disapproval of the Governor's Action.
 8. Offense for which Imprisoned.
 9. Term of Sentence.
 10. Term of Service.
 11. No. of Case.
-

TABLE NO. II.

Shows:

1. Name of Convict Whose Sentence was Diminished.
 2. Name of County.
 3. Date of Diminution of Sentence.
 4. Date Acted upon by the Board.
 5. Date of Approval of the Governor's Action.
 6. Offense for which Imprisoned.
 7. Term of Sentence.
 8. No. of Days Worked.
 9. No. of Days Diminished.
 10. Term of Service.
 11. No. of Case.
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TABLE NO. III.

Shows:

1. Name of Person Restored to Full Rights of Citizenship.
2. Name of County.
3. When Restored to Full Rights of Citizenship.
4. Date Acted Upon by the Board.
5. Date of Approval of the Governor's Action.
6. Offense for which Imprisoned.
7. Term of Sentence.
8. Term of Service.
9. No. of Case.

TABLE NO. IV.

Shows:

Number of Pardons granted to inmates of Penitentiary and of County Jails, and Number of Diminutions granted during the Fiscal year ending December 1, 1899 and for the Fiscal year ending December 1, 1900.

TABLE "A"

Shows:

1. Expense Account of State Board of Pardons.

Respectfully Submitted.

T. W. POINDEXTER, Jr.,
State Auditor and President of the Board.

C. B. NOLAN,
Attorney General.

T. S. HOGAN,
Secretary of State and Secretary of the Board.

M. A. McEVILY,
Clerk of the Board.

Table

Name of Convict Pardoned.	Name of County.	Pardon Absolute or Conditional.	When Pardoned.
Adams, J. J.	Sweetgrass, Co. Jail.....	Absolute	Aug. 29, 1900
Bailey, Charles.....	Lewis & Clarke, Co. Jail..	"	Oct. 6, 1900
Booth, William.....	Silver Bow	"	July 24, 1900
Darling, William.....	Deer Lodge.....	"	May 19, 1900
Dwyer, Patrick.....	Fergus	"	June 13, 1900
Donnelly, Rolla.....	Lewis & Clarke, Co. Jail..	"	Sept. 18, 1900
Freeman, Alonzo.....	Dawson	"	Jan. 2, 1900
Firpo, Arthur.....	Deer Lodge.....	"	May 19, 1900
Gallegar, Patrick.....	Missoula	"	July 3, 1900
Geldert, J. C.....	Cascade	"	Nov. 16, 1900
Hughes, Barney.....	Lewis & Clarke.....	"	Oct. 15, 1900
Jackson, Albert.....	Lewis & Clarke.....	"	Nov. 17, 1900
Lambert, H. T.....	Valley	"	July 25, 1900
LaRue, John.....	Lewis & Clarke, Co. Jail..	"	Aug. 30, 1900
Lawson, A. P.....	Flathead	"	Oct. 6, 1900
Ladhoff, Frank.....	Park.....	"	Oct. 10, 1900
McDonald, J. M.....	Yellowstone.....	"	July 24, 1900
Manning, J. A.....	Deer Lodge.....	"	Nov. 23, 1900
Patch, E. J.....	Deer Lodge.....	"	Nov. 23, 1900
Rose, John.....	Deer Lodge.....	"	Nov. 15, 1900
Stephens, George F.....	Deer Lodge.....	"	April 10, 1900
Schnepel, Henry.....	Silver Bow	"	June 25, 1900
Stephens, Sell.....	Lewis & Clarke, Co. Jail..	"	Sept. 24, 1900
Sadler, Thos.....	Silver Bow.....	"	Nov. 23, 1900
St. Clair, Ella.....	Missoula	"	Oct. 10, 1900
Tracey, John.....	Park	"	Nov. 15, 1900
Edwards, Burt.....	Silver Bow.....	"	Nov. 23, 1900

No. 1.

Date Acted Upon by the Board.	Date of Approval of Governor's Action.	Offence for Which Imprisoned.	Term of Sentence.	Term of Service.	No. of Case.
Aug. 29, 1900	Sept. 15, 1900	Carrying Burglars' Tools....	60 days.....	25 days.....	999
Oct. 6, 1900	Oct. 15, 1900	Disturbing Peace.....	60 days.....	25 days.....	1013
July 24, 1900	Aug. 11, 1900	Assault, 2nd degree.....	5 years.....	1 year, 1 mo....	969
May 19, 1900	June 4, 1900	Burglary, 1st degree.....	8 years.....	7 years, 4 mo....	969
June 13, 1900	Oct. 5, 1900	Manslaughter.....	2 years, 6 mo....	1 year, 8 mo....	971
Sept. 18, 1900	Oct. 6, 1900	Obtaing Mon. False Pretences.	6 mo., \$500....	4 months.....	1012
Jan. 2, 1900	Jan. 20, 1900	Murder.....	25 years.....	5 years.....	937
May 19, 1900	June 4, 1900	Burglary, 1st degree.....	8 years.....	7 years, 4 mo....	968
July 3, 1900	July 23, 1900	Murder, 2nd degree.....	37 years.....	7 years.....	980
Nov. 16, 1900	Dec. —, 1900	Murder, 2nd degree.....	18 years.....	9 years.....	1027
Oct. 15, 1900	Nov. 3, 1900	Grand Larceny.....	11 years.....	5 years.....	1019
Nov. 17, 1900	Dec. 3, 1900	Murder.....	Life.....	20 years.....	1028
July 25, 1900	Aug. 11, 1900	Grand Larceny.....	1 year.....	6 months.....	788
Aug. 30, 1900	Sept. 15, 1900	Vagrancy.....	90 days.....	60 days.....	1000
Oct. 6, 1900	Oct. 23, 1900	Murder, 2nd degree.....	10 years.....	5 years.....	1015
Oct. 10, 1900	Nov. 28, 1900	Manslaughter.....	10 years.....	6 years.....	1023
July 24, 1900	Aug. 12, 1900	Murder, 2nd degree.....	Life.....	5 years.....	983
Nov. 23, 1900	Dec. 11, 1900	Escaping Jail.....	10 years.....	2 years.....	1034
Nov. 23, 1900	Dec. 11, 1900	Forgery.....	5 years.....	2 years.....	1033
Nov. 15, 1900	—, 1900	Assault.....	25 years.....	—.....	1026
April 10, 1900	April 27, 1900	Escaping Jail.....	1 year, 6 mo....	4 months.....	963
June 25, 1900	July 14, 1900	Grand Larceny.....	1 year.....	6 months.....	972
Sept. 4, 1900	Sept. 19, 1900	Petit Larceny.....	6 months.....	4 months.....	1001
Nov. 23, 1900	Dec. 15, 1900	Assault, 1st degree.....	5 years.....	1 year.....	1035
Oct. 10, 1900	Dec. 1, 1900	Grand Larceny.....	12 years.....	6 years.....	1024
Nov. 15, 1900	Dec. —, 1900	Manslaughter.....	10 years.....	4 years.....	1025
Nov. 23, 1900	Dec. —, 1900	Burglary.....	2 years.....	1 year, 6 mo....	1035

Table

Name of Convict who Received Diminution of Sentence.	Name of County.	Date of Diminution.	Date Acted upon by the Board.	Date of Approval of Governor's Action.
Alexander, F.	Lewis and Clarke.	July 24, 1900	July 24, 1900	Aug. 9, 1900
Balcour, William	Choteau	Jan. 10, 1900	Jan. 10, 1900	Jan. 19, 1900
Bradley, Jas.	"	Feb. 5, 1900	Feb. 5, 1900	Feb. 23, 1900
Burkhard, A. E.	"	Feb. 26, 1900	Feb. 26, 1900	Mch. 12, 1900
Boyd, William	Flathead	Feb. 26, 1900	Feb. 26, 1900	Mch. 12, 1900
Bartlette, E.	Jefferson	Mch. 20, 1900	Mch. 20, 1900	Apr. 2, 1900
Bevan, M. H.	Cascade	July 24, 1900	July 24, 1900	Aug. 9, 1900
Baty, Thos. E.	Dawson	July 24, 1900	July 24, 1900	Aug. 11, 1900
Bertrand, Harry	Jefferson	Sep. 6, 1900	Sep. 6, 1900	Sep. 21, 1900
Biggs, William	Ravalli	Sep. 15, 1900	Sep. 15, 1900	Oct. 3, 1900
Bush, Katie	Silver Bow	Sep. 15, 1900	Sep. 15, 1900	Oct. 6, 1900
Baertch, Arthur	Carbon	Dec. 19, 1899	Dec. 19, 1899	Jan. 8, 1900
Curran, J. P.	Missoula	Dec. 19, 1899	Dec. 19, 1899	Jan. 6, 1900
Cameron, Alex	Gallatin	Mch. 20, 1900	Mch. 20, 1900	Apr. 2, 1900
Chaffay, Fred	Meagher	June 28, 1900	June 28, 1900	July 14, 1900
Chieve, E. J.	Yellowstone	June 28, 1900	June 28, 1900	July 12, 1900
Dorsey, Chas.	Custer	April 2, 1900	Apr. 2, 1900	Apr. 19, 1900
Dillroy, Ma ion	Park	May 21, 1900	May 21, 1900	May 21, 1900
Dehauri, Joe	Flathead	July 30, 1900	July 30, 1900	Aug. 14, 1900
Donaldson, John	Cascade	Aug. 10, 1900	Aug. 10, 1900	Sep. 3, 1900
Flynn, Sylvester	Yellowstone	Dec. 4, 1899	Dec. 4, 1899	Dec. 16, 1899
Flannagen, Frank	Beaverhead	Sep. 6, 1900	Sep. 6, 1900	Sep. 26, 1900
Farr, D. L.	Cascade	Oct. 6, 1900	Oct. 6, 1900	Oct. 23, 1900
Fagan, Chas. E.	Silver Bow	Oct. 23, 1900	Oct. 23, 1900	Nov. 10, 1900
Grube, Aug.	Gallatin	June 28, 1900	June 28, 1900	July 18, 1900
Hoback, William	Lewis and Clarke	Feb. 21, 1900	Feb. 21, 1900	Mch. 10, 1900
Howard, Frank	Choteau	Feb. 26, 1900	Feb. 26, 1900	Mch. 12, 1900
Hart, Ed	Cascade	Mch. 20, 1900	Mch. 20, 1900	Apr. 2, 1900
Hogan, Thos	Silver Bow	May 9, 1900	May 9, 1900	May 25, 1900
Henry, William	Flathead	Feb. 26, 1900	Feb. 26, 1900	Feb. 26, 1900
Hesley, John	Silver Bow	May 19, 1900	May 19, 1900	May 19, 1900
Hend, Jas	Dawson	July 24, 1900	July 24, 1900	Aug. 11, 1900
Heath, Geo.	Lewis and Clarke	July 30, 1900	July 30, 1900	Aug. 14, 1900
Harmon, John B.	"	Sep. 15, 1900	Sep. 15, 1900	Oct. 3, 1900
Holmes, William	Missoula	Oct. 6, 1900	Oct. 6, 1900	Oct. 23, 1900
Kennedy, Ed	Madison	Dec. 21, 1899	Dec. 21, 1899	Dec. 21, 1899
King, Thos.	Lewis and Clarke	Feb. 26, 1900	Feb. 26, 1900	Feb. 26, 1900
Kopp, Edwin	Yellowstone	July 30, 1900	July 30, 1900	Aug. 14, 1900
Lawrence, W. J.	Flathead	Aug. 18, 1900	Aug. 18, 1900	Sep. 3, 1900
Miller, Joseph	Silver Bow	Jan. 10, 1900	Jan. 10, 1900	Jan. 19, 1900
Millford, Jas.	Lewis and Clarke	Mch. 17, 1900	Mch. 17, 1900	Apr. 7, 1900
Murphy, Jas.	Custer	Mch. 17, 1900	Mch. 17, 1900	Apr. 2, 1900
Morgan, Walter L.	Ravalli	Aug. 10, 1900	Aug. 10, 1900	Aug. 10, 1900
Murray, William	Park	Sep. 19, 1900	Sep. 19, 1900	Sep. 19, 1900
Moss, J. W.	Choteau	Aug. 15, 1900	Sep. 15, 1900	Oct. 3, 1900
McIntyre, Michael	Lewis and Clarke	Feb. 5, 1900	Feb. 5, 1900	Feb. 24, 1900
McCarthy, George	Flathead	Aug. 18, 1900	Aug. 18, 1900	Sep. 3, 1900
McNeill, R. H.	Beaverhead	Sep. 6, 1900	Sep. 6, 1900	Sep. 26, 1900
McNulty, J. B.	Cascade	Oct. 23, 1900	Oct. 23, 1900	Nov. 15, 1900
Nissem, Gustave	"	Mch. 20, 1900	Mch. 20, 1900	Apr. 7, 1900
O'Brien, E. J.	"	Feb. 5, 1900	Feb. 5, 1900	Feb. 23, 1900
Phillips, Geo. B.	Deer Lodge	Mch. 24, 1900	Mch. 24, 1900	Mch. 24, 1900
Phillips, Richard	Missoula	Oct. 23, 1900	Oct. 23, 1900	Nov. 5, 1900
Pool, Henry	Ravalli	Apr. 2, 1900	Apr. 2, 1900	Apr. 19, 1900
Polk, Perry E.	Cascade	June 28, 1900	June 28, 1900	July 18, 1900
Polky, John	Flathead	Aug. 28, 1900	Aug. 28, 1900	Sep. 3, 1900
Robinson, Sam	Choteau	Dec. 4, 1899	Dec. 4, 1899	Dec. 16, 1899
Reno, Amos	Cascade	Jan. 10, 1900	Jan. 10, 1900	Jan. 19, 1900
Robinet, M.	Gallatin	Aug. 18, 1900	Aug. 18, 1900	Sep. 3, 1900
Sillary, Robert	Silver Bow	Dec. 4, 1899	Dec. 4, 1899	Dec. 16, 1899
Stone, Jas.	Lewis and Clarke	Mch. 17, 1900	Mch. 17, 1900	Apr. 7, 1900
Simington, John	Deer Lodge	June 28, 1900	June 28, 1900	July 16, 1900
Smith, Thos	Custer	Oct. 6, 1900	Oct. 6, 1900	Oct. 23, 1900
Smith, Burton	Yellowstone	Nov. 17, 1900	Nov. 17, 1900	Dec. 6, 1900
Stephens, Sherman	"	Nov. 17, 1900	Nov. 17, 1900	Dec. 6, 1900
Tillman, Peter	Fergus	Apr. 2, 1900	Apr. 2, 1900	Apr. 16, 1900
Thompson, Chester	Lewis and Clarke	Sep. 6, 1900	Sep. 6, 1900	Sep. 21, 1900
Taylor, Daniel	Flathead	Nov. 17, 1900	Nov. 17, 1900	Dec. 11, 1900
Wall, Aubrey	Madison	June 28, 1900	June 28, 1900	July 18, 1900
Welch, W.	Yellowstone	Nov. 17, 1900	Nov. 17, 1900	Dec. 6, 1900
Cunningham, Frank	Choteau	Jan. 10, 1900	Jan. 10, 1900	Jan. 19, 1900

No. 2.

Offense for which Imprisoned.	Term of Sentence.	No. of Days Diminished.	Term of Service.	No. of Case.
Forgery.....	1 year.....	30 days.....	11 months.....	985
Grand Larceny.....	5 years.....	30 ".....	4 years 11 months.....	939
Burglary.....	1 year.....	15 ".....	11 months 15 days.....	943
Forgery.....	1 year.....	30 ".....	11 months.....	948
Grand Larceny.....	2 years.....	18 ".....	1 yr. 11 mos. 13 days.....	949
Robbery.....	10 years.....	17 ".....	9 yrs. 11 mos. 13 days.....	957
Grand Larceny.....	1 year.....	30 ".....	11 months.....	984
" ".....	2 years.....	30 ".....	1 year 11 months.....	986
" ".....	1 year.....	30 ".....	11 months.....	1003
Burglary, Second Degree.....	18 months.....	30 ".....	17 days.....	1008
Assault with Corrosive Acid.....	1 year.....	30 ".....	11 months.....	1010
Grand Larceny.....	3 years.....	30 ".....	2 yrs. 11 mos. 10 days.....	935
Burglary.....	1 year.....	15 ".....	11 months 15 days.....	936
Grand Larceny.....	5 years.....	30 ".....	11 months.....	978
" ".....	1 year.....	30 ".....	1 year 11 months.....	979
Burglary, Second Degree.....	2 years.....	15 ".....	11 months 15 days.....	961
" ".....	1 year.....	9 ".....	17 months 21 days.....	967
First Degree.....	18 months.....	30 ".....	11 months.....	990
Grand Larceny.....	1 year.....	30 ".....	11 months.....	993
" ".....	1 year.....	30 ".....	11 months.....	992
Burglary, Second Degree.....	1 year.....	30 ".....	11 months.....	1006
Illegal Branding of Colt.....	1 year.....	30 ".....	11 months.....	1016
Grand Larceny.....	1 year.....	60 ".....	4 years 10 months.....	1021
" ".....	5 years.....	30 ".....	2 years 11 months.....	976
Injuring Public Jail.....	3 years.....	30 ".....	11 months.....	946
Forgery.....	1 year.....	30 ".....	11 months.....	947
" ".....	1 year.....	30 ".....	11 months 20 days.....	955
Petit Larceny, Second Offence.....	1 year.....	30 ".....	11 months.....	965
Burglary.....	1 year.....	6 ".....	11 months 24 days.....	951
" ".....	1 year.....	10 ".....	5 months 20 days.....	966
Manslaughter.....	6 months.....	30 ".....	11 months 20 days.....	987
Grand Larceny.....	2 years.....	30 ".....	11 months.....	989
" ".....	1 year.....	30 ".....	11 months.....	1009
Forgery.....	2 years.....	30 ".....	1 year 11 months.....	1017
Burglary, First Degree.....	6 years.....	30 ".....	4 years.....	934
Assault, Second Degree.....	2 years.....	10 ".....	1 yr 11 mos 20 days.....	950
Grand Larceny.....	3 years, 6 mos.....	10 ".....	2 yrs 11 mos 20 days.....	990
" ".....	1 year.....	30 ".....	11 months.....	995
" ".....	1 year.....	30 ".....	11 months.....	941
" ".....	1 year.....	30 ".....	11 months.....	952
Robbery.....	17 years.....	7 years.....	10 years.....	956
Forgery.....	2 years.....	25 days.....	1 yr. 11 mos 5 days.....	992
Grand Larceny.....	1 year.....	10 ".....	11 months 20 days.....	1002
Perjury.....	1 year.....	10 ".....	11 months 20 days.....	1011
Forgery.....	1 year.....	30 ".....	11 months.....	945
Assault, Second Degree.....	1 year.....	15 ".....	11 months 15 days.....	994
Attempt Grand Larceny.....	1 year.....	30 ".....	11 months.....	1003
Illegal Branding of a Colt.....	1 year.....	30 ".....	11 months.....	1022
Forgery.....	2 years.....	60 ".....	1 year 10 months.....	959
Grand Larceny.....	5 years.....	60 ".....	4 years 10 months.....	944
Voluntary Manslaughter.....	4 years.....	15 ".....	3 yrs. 11 mos. 15 days.....	954
Forgery.....	1 year.....	10 ".....	11 months 20 days.....	1020
Assault, Second Degree.....	4 years.....	60 ".....	3 years 10 months.....	962
Arson.....	1 year.....	15 ".....	11 months 15 days.....	971
Burglary, Second Degree.....	1 year.....	30 ".....	11 months.....	996
Grand Larceny.....	1 year.....	30 ".....	11 months.....	933
Burglary.....	1 year.....	50 ".....	11 months.....	910
Assault, Second Degree.....	1 year.....	30 ".....	11 months.....	987
Grand Larceny.....	1 year.....	30 ".....	11 months.....	931
Receiving Stolen Property.....	1 year.....	30 ".....	11 months.....	953
Robbery.....	17 years.....	7 years.....	10 years.....	973
Grand Larceny.....	1 year.....	30 days.....	11 months.....	1018
" ".....	1 year.....	30 ".....	11 months.....	1030
" ".....	1 year.....	30 ".....	11 months.....	1031
" ".....	1 year.....	30 ".....	11 months.....	960
Assault, Second Degree.....	1 year.....	15 ".....	11 months 15 days.....	1001
Grand Larceny.....	1 year.....	30 ".....	11 months.....	1032
Burglary, First Degree.....	3 years.....	60 ".....	1 year 17 months.....	977
" ".....	5 years.....	30 ".....	4 years 11 months.....	1029
" ".....	1 year.....	30 ".....	11 months.....	938
Grand Larceny.....	2 years.....	30 ".....	1 year 11 months.....	

Table No. 3.

Name of Person Restored to the Rights of Citizenship	Name of County	Date of Restoration	Date Acted Upon by the Board	Date of Ap- proval of Governor's Action	Offense for Which Imprisoned	Term of Sentence	Term of Service	No. of Case
Conley, Thos. N.....	Deer Lodge.....	Oct. 6, 1900	Oct. 6, 1900	Oct. 23, 1900	Burglary.....	1 Year.....	1 Year.....	1014
Mathers, Hazel.....	Lewis and Clarke	Fine Remitted	June 4, 1900	June 16, 1900	Assault.....	5 Mo. \$100 fine	70 Days.....	970
McGrath, Jas.....	Silver Bow.....	Sept. 6, 1900	Sept. 6, 1900	Sept. 29, 1900	Attempted Robbery...	5 Years.....	5 Years.....	1007
McKay, E. J. (Fine Remitted)	Lewis and Clarke	Jan. 19, 1900	Jan. 19, 1900	Jan. 26, 1900	Disturbing the Peace...	90 Days.....	90 Days.....	942
Fayne, Al. (Fine Remitted)	Flathead.....	Aug. 25, 1900	Aug. 25, 1900	Sept. 11, 1900	Assault 3d Degree and Fine of \$100.....	5 Months.....	5 Months.....	999
Simons, Chas.....	Teton.....	July 13, 1900	July 13, 1900	Aug. 2, 1900	Manslaughter.....	1 Year.....	11 Months.....	981

STATE BOARD OF PARDONS

Table "A"

Expense Account of State Board of Pardons

Date	In Favor of	Amount	Account of
Dec. 23, 1899..	Rocky Mountain Bell Telephone Co.....	\$ 25	Toll.....
Jan. 3, 1900..	D. H. Hamilton.....	10 00	Stamps.....
Mar. 22, 1900..	Rocky Mountain Bell Telephone Co.....	40	Toll.....
June 21, 1900..	Rocky Mountain Bell Telephone Co.....	1 25	Toll.....
Sept. 23, 1900..	Rocky Mountain Bell Telephone Co.....	1 75	Toll.....
Oct. 23, 1900..	D. H. Hamilton.....	20 00	Stamps.....
Nov. 30, 1900..	Rocky Mountain Bell Telephone Co.....	2 95	Toll.....
	D. H. Hamilton.....	20 00	Stamps.....
		\$ 56 60	

Appropriation 1900, \$100 00.

TABLE NO. IV.

Showing Number of Pardons granted to inmates of the Penitentiary and of County Jails, and Number of Diminutions granted during Fiscal years ending December 1, 1899 and December 1, 1900.

1899.	Pardoned from Penitentiary by Governor Smith....	12
	Pardoned from County Jails	4
	Total	16
	Diminutions Granted	106

1900.	Pardoned from Penitentiary by Governor Smith....	22
	Pardoned from County Jail	5
	Total	27
	Diminutions Granted	75
	No. of Persons Restored to Citizenship.....	4
	No. of Fines Remitted	4

During the past year the Executive in more than one instance was required to exercise the pardoning power because the convict was not properly defended, and the record in each instance clearly showed that there was practically a denial of the right of counsel. The presumption of innocence attaches alike to the opulent and the indigent, and a constitutional provision that guarantees the right to appear and defend in person and by counsel is derided and disregarded when some person is selected where the accused is in indigent circumstances who is thoroughly ignorant of elementary legal principles, as is often the case. Courts are not to blame for this. If the legislature did not provide for the appointment of counsel in the case of indigent persons, and did not provide for the compensation to be paid, the court would be at liberty to select counsel to represent persons charged with crime whose competency would qualify them to protect the accused in the enjoyment of his constitutional and statutory rights. With the compensation provided the court is required to select an order of professional excellence in keeping with the sums allowed.

Section 1892 of the Penal Code which provides as compensation a sum not to exceed fifty dollars in capital cases, and in other cases of felony a sum not exceeding twenty-five dollars and in all other cases a sum not exceeding ten dollars should be unconditionally repealed, or else amended so that sums reasonable in amount be named to secure professional services to protect indigent defendants in the enjoyment of their lives and liberty.

Very truly yours,

T. W. POINDEXTER, Jr.,

T. S. HOGAN,

C. B. NOLAN.

